

Appln. No.: 10/711,190
Amendment dated Dec. 15, 2008
Reply to Office Action of October 30, 2008

REMARKS/ARGUMENTS

The Office Action of October 30, 2008, has been carefully reviewed and these remarks are responsive thereto. No claims have been amended, canceled or withdrawn. Claims 1-4, 6-14, and 16-32 thus remain at issue in this application. Reconsideration and allowance of the instant application are respectfully requested.

Nonstatutory Double Patenting

Claims 1-4, 6-14, and 16-26 stand rejected under the judicially-created nonstatutory obviousness-type doctrine of double patenting as being unpatentable over claims 1-22 of U.S. Pat. No. 6,832,353. Applicants respectfully traverse this rejection and maintain that all claims are patentably distinct from U.S. Patent 6,832,353, at least insofar as the claims stand rejected under 35 U.S.C. § 102 and/or 35 U.S.C. § 103, whereas the claims of the '353 patent have been granted and issued by the USPTO. Upon a determination that the claims of the present application are allowable, Applicants will reconsider submitting a terminal disclaimer to obviate any remaining double patenting issues.

Rejections Under 35 U.S.C. § 102

Claims 1, 3-4, 6-11, 13-14, and 16-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Pub. No. 2004/0174400 of Herigstad et al., hereinafter "Herigstad." Applicants respectfully traverse based on factual inaccuracies of the Office.

First, in the Office Action, the examiner alleges various "admissions" are made by the Applicant, NONE of which Applicant has actually made. Specifically, in the "Response to Arguments" section on page 10, the Office Action states "As admitted by applicant,..." and goes on to state various alleged admissions. However, Applicants have made no admissions as alleged in the Office Action. Instead, the Office Action is actually quoting from paragraph 0047 of the Herigstad reference, which Applicants do not admit teaches or suggests any of the presently claimed subject matter, and the "Response to Arguments" appears to be nothing more than an improper attempt to make up support for an improper rejection not grounded in fact. The Office's "Response

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to Arguments” thus are factually invalid, and the claims are allowable as previously argued by Applicant.

Second, the Office Action continues to ignore aspects of the independent claims. For example, claim 1 recites:

...mapping each of a plurality of sections of the web page to at least one button of a plurality of buttons on a keypad of the small-screen device, based at least in part on a position of each section within the web page as compared to the position of the at least one button to which it is mapped within the keypad, wherein said mapping is based on preexisting logical divisions of the web page unrelated to the keypad mapping....

However, the Office Action has not identified anywhere in the cited references where the mapping is performed, as claimed. Specifically, the Office Action itself merely states, apparently with respect to paragraph 0047 of the cited reference, that “The display shown on the television 206 is logically partitioned into regions that are associated with the keys in the keypad 202 of the remote control 201 so as to provide the behavior.” However, this does not amount to the claimed invention. That is, while the Herigstad reference does state that “the display shown on the television 206 is logically partitioned into regions that are associated with the keys in the keypad 202 of the remote control 201” Herigstad does not indicate, teach, or otherwise suggest that any partition is based on preexisting logical divisions of the web page, where the preexisting logical divisions of the web page are unrelated to the keypad mapping, as claimed. The only preexisting logical divisions evident in Herigstad are preexisting logical divisions of the keypad, not of the web page. Claim 1 is thus allowable for this additional reason. Other independent claims are allowable at least for similar reasons.

Herigstad is similarly deficient with respect to dependent claims 6 and 16, which recite “mapping each of the plurality of subsections of the one section to different ones of the buttons to which the one section is mapped, based at least in part on a position of each subsection within the one section as compared to the position of the buttons to which the one section is mapped, and wherein the displaying comprises displaying on the display the subsection of the web page mapped to the selected button.” That is, claims 6 and 16 each further distinguish between multiple buttons mapped to the same section by mapping individual of those buttons to separate

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subsections, which is not taught or suggested by Herigstad. Claims 6 and 16 are allowable for this additional reason.

CONCLUSION

All issues having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,
BANNER & WITCOFF, LTD.

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